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TELECOPIER TRANSMITTAL FORM

DATE: January 3, 2005
TO: Examiner Cuong H. Nguyen
FIRM: USPTO, Group Art Unit 3625
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FROM: Jon A. Gibbons

TOTAL NUMBER OF PAGES: 17
(INCLUDING THIS PAGE)

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MESSAGE:

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant(s): Richard L. SPAGNA et al.

Serial No.: 09/711,747

For: *UPDATING USAGE CONDITIONS IN LIEU OF DOWNLOAD DIGITAL RIGHTS
MANAGEMENT PROTECTED CONTENT*

Enclosed are the following:

Transmittal letter (1 page); and Response and Amendment (15 pages)

Docket No.: SOM920000016US1

150-A00-006

January 3, 2005

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of

: Atty. Docket No. SOM920000016US1

Richard L. SPAGNA, et al.

: Group Art Unit: 3625

Serial No. 09/711,747

: Examiner: Cuong H. NGuyen

Filed: November 13, 2000

: Confirmation No. 8049

For: **UPDATING USAGE CONDITIONS IN LIEU OF DOWNLOAD DIGITAL RIGHTS MANAGEMENT PROTECTED CONTENT**TRANSMITTAL**MAIL STOP AMENDMENT**

Commissioner for Patents

P.O. Box 1450

Alexandria, VA 22313-1450

SIR:

Transmitted herewith is an amendment in the above-identified application, and the following:

☒ No additional filing fee is required.The fee has been calculated as shown below. *(Small entity fees indicated in parentheses.)*

| CLAIMS AS AMENDED | | | | | | |
|---|--|-----|--|--|--------------------|---------------|
| (1) | (2) Claims Remaining After Amendment | (3) | (4) Highest Number Previously Paid For | (5) Extra Claims | (6) Rate | (7) Fee |
| Total Claims <i>(Small Entity)</i> | <u>19</u> | - | <u>20</u> | <u>0</u> | 50.00 (25.00) | <u>0</u> |
| Independent claims <i>(Small Entity)</i> | <u>5</u> | - | <u>5</u> | <u>0</u> | 200.00 (100.00) | <u>0</u> |
| Multiple Dependent <i>(Small Entity)</i> | <u>0</u> | - | <u>0</u> | <u>0</u> | 360.00 (180.00) | <u>0</u> |
| Extension of Time Fee <i>(Small Entity)</i> | One Month \$120 (\$60) | | Two Months \$450 (\$225) | Three Months \$1020 (\$510) | | <u>0</u> |
| Total | | | | | | \$0.00 |

XX The Commissioner is hereby authorized to charge any required fees to Deposit Account No. 09-0460.

Respectfully submitted,

Date: 1/3/04By: Jon A. Gibbons
Reg. No. 37,333

Customer No. 23334

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JAN 03 2005

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Appl.No. : 09/711,747 Confirmation No. 8049
 Applicant : Richard L. SPAGNA et al.
 Filed : November 13, 2000
 TC/A.U. : 3625
 Examiner : Cuong H. NGUYEN
 Docket No. : SOM920000016US1
 Customer No. : 23334

VIA FACSIMILE (703) 872-9306

MS- AMENDMENT

Commissioner for Patents

P.O.Box 1450

Alexandria VA 22313-1450

Attention: Examiner Cuong H. NGUYEN**RESPONSE WITH AMENDMENT UNDER 37 C.F.R. § 1.111**

Sir:

The following amendment is being submitted in response to the Office Action dated October 1, 2004, the three-month due date which is extended to January 3, 2005, (first business day after January 1, 2005). Please enter and consider the following amendment and remarks as follows:

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I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 or facsimile transmitted to the U.S. Patent and Trademark Office on the

date Jan 3 2005

By:

Karen Taragowski

Signature:

[Signature]

Applicant, Assignee, or Representative

SOM920000016US1

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09/711,747